

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PAUL D. CEGLIA,

Plaintiff,

v.

13-CV-0256-A

ERIC HOLDER, JR., individually
and as Attorney General
of the United States,
PREETINDER S. BHARARA, individually
and as United States Attorney for the
Southern District of New York,
JANIS M. ECHENBERG and
CHRISTOPHER D. FRYE,
Individually, and as in their
capacity as representatives
of the United States Attorney's
Office for the Southern District
of New York,

Defendants.

DECLARATION

Mary E. Fleming, makes this Declaration under penalties of perjury, pursuant to 28 U.S.C. § 1746:

1. I am an Assistant United States Attorney in the Western District of New York duly appointed by the United States Attorney for the Western District of New York. I have been assigned to handle the above-referenced matter and, as such, I am fully familiar with the pleadings and proceedings had herein.

2. I submit this motion in support of the defendants' request to enlarge the time to respond to plaintiff's Motion to Supplement the Record on Motion for Preliminary Injunction and for Expedited Treatment (Dkt. 61) entered on January 2, 2014.

3. This Court issued a Text Order on January 14, 2014, requiring the defendant to respond to the plaintiff's Motion on or before January 22, 2014, and the plaintiff to reply on or before January 29, 2014. Dkt. #62.

4. This matter has been fully briefed since August 30, 2013. Dkt. #60.

5. While plaintiff's counsel claims that this motion is urgent and has denied my request for an additional two weeks, there is no need for this motion to be heard on an expedited manner.

6. Plaintiff filed this lawsuit to prevent a criminal prosecution of the plaintiff pending in the Southern District of New York claiming that the prosecution violates his First Amendment rights.

7. Plaintiff is now trying to supplement this record with an expert report that was paid for by public funds in his criminal case to demonstrate that the prosecution is without merit.

8. However, there is a pending motion to dismiss Ceglia's indictment in the Southern District of New York which could moot this litigation.

9. Therefore, I seek an additional two weeks to respond to the plaintiff's motion, or until February 5, 2014. Plaintiff would have until February 12, 2014, to file his reply.

10. I have other matters that are pressing right now and do not have the time to respond by next Wednesday to the motion.

11. In addition, I have a family member in the hospital and need to go out of town for a few days.

12. Accordingly, the defendants have demonstrated good cause for the enlargement and request that they be given an additional two weeks, or until February 5, 2014, to respond to the plaintiff's motion.

DATED: Buffalo, New York, January 17, 2014.

BY: S/Mary E. Fleming
MARY E. FLEMING
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United States Attorney's Office
Western District of New York
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CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2014, I electronically filed the foregoing
DECLARATION with the Clerk of the District Court using its CM/ECF system, which
would then electronically notify the following CM/ECF participants on this case:

1. Paul A. Argentieri
Paul.Argentieri@gmail.Com
2. Robert Ross Fogg
Rrfogg711@adelphia.Net

S/Cheryl Kinmartin
Cheryl Kinmartin
Legal Assistant